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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,962	09/25/2003	Richard W. Hetherington	49942-287485	7052
7590 06/14/2005				
Goran P Stojkovich Kilpatrick Stockton LLP 1001 West Fourth Street Winston-Salem, NC 27101			EXAMINER STRIMBU, GREGORY J	
			ART UNIT 3634	PAPER NUMBER

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/670,962

Applicant(s)

HETHERINGTON ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/20/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "are described" on line 2 can be easily implied and therefore should be deleted. On line 3, "comprises" is grammatically incorrect. It is suggested that the applicant amend the abstract to more specifically set forth how the lift handle interacts with doors and windows. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the doors and windows to which the handle can be attached and to include the specific method disclosed, i.e., the method of use.

### ***Claim Objections***

Claims 7-9 and 24-26 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous

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claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Since claims 1 and 18 are directed to the subcombination of the apparatus limitations to the combination of the apparatus and a frame fail to further limit the apparatus.

Accordingly, claims 7-9 and 24-26 fail to further limit claims 1 and 18 since they only contain limitations to the combination.

#### ***Claim Rejections - 35 USC § 112***

Claims 4, 5, 10-17 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "for securing the fin" on lines 1-2 of claim 4 render the claims indefinite because it is unclear to what element of the invention the fin is secured.

Recitations such as "adapted to be coupled with the fin" on line 4 of claim 5 render the claims indefinite because it is unclear how both the channels can be coupled to the same fin. Recitations such as "a frame" on line 5 of claim 10 render the claims indefinite because it is unclear if the applicant is referring to the frame set forth above or is attempting to set forth another frame in addition to the one set forth above.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bush et al. Bush et al. discloses an apparatus comprising a flange 20 comprising a first surface (not numbered, but shown in figure 3) and a second surface (not numbered, but shown in figure 3), the first surface adapted to be coupled with a frame 10 and a channel (not numbered, but shown in figure 3 receiving the fin 10a) disposed proximate the flange, the channel adapted to be coupled with a fin 10a of the frame, the flange comprises a first end and a second end (not numbered, but shown in figure 2), the channel disposed proximate the first and second ends, means 27 for securing the fin, a second channel (not numbered, but shown in figure 3 at the opposite end of the grip A), a grip 32. Claims 7-9 are anticipated by Bush et al. since the claims are directed toward the subcombination of the apparatus and fail to further limit the subcombination of the apparatus.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Haggard. Haggard discloses an apparatus 10 comprising a flange 14 comprising a first surface 18 and a second surface 20, the first surface adapted to be coupled with a frame and a channel (not numbered, but shown in figure 2) disposed proximate the flange, the channel adapted to be coupled with a fin of the frame, the flange comprises a first end and a second end (not numbered, but shown in figure 2), the channel

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disposed proximate the first and second ends, a grip 26. Claims 7-9 are anticipated by Bush et al. since the claims fail to further limit the subcombination of the apparatus.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. as applied to claims 1-10 and 13-17 above, and further in view of Hass. Hass discloses a vinyl door frame 14, 16, 18 having a nailing fin (not numbered, but shown in figure 2).

It would have been obvious to one of ordinary skill in the art to provide the vinyl door frame of Hass with handles, as taught by Bush et al., to increase the ease with which the door frame can be moved.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. as applied to claims 1-10 and 13-17 above, and further in view of Knapp. Knapp discloses a vinyl window frame 60 having a nailing fin 66.

It would have been obvious to one of ordinary skill in the art to provide the vinyl window frame of Knapp with handles, as taught by Bush et al., to increase the ease with which the door frame can be moved.

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Claims 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. as applied to claims 1-10 and 13-17 above. Although Bush et al. fails to disclose the method steps set forth in claims 18-22 and 24-26, the use of the apparatus disclosed by Bush et al. would inherently lead to the method steps set forth in claims 18-22 and 24-26.

Claims 18-20 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haggard as applied to claims 1-3 and 5-9 above. Although Haggard fails to disclose the method steps set forth in claims 18-20 and 22-26, the use of the apparatus disclosed by Haggard would inherently lead to the method steps set forth in claims 18-20 and 22-26.

Claims 27, 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. as applied to claims 1-10 and 13-17 above. Although Bush et al. fails to disclose the method steps set forth in claims 27, 28 and 31, the use of the apparatus disclosed by Bush et al. would inherently lead to the method steps set forth in claims 27, 28 and 31.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. in view of Hass as applied to claim 11 above. Although Bush et al. fails to disclose the method steps set forth in claim 29, the use of the apparatus disclosed by Bush et al. in view of Hass would inherently lead to the method steps set forth in claim 29.

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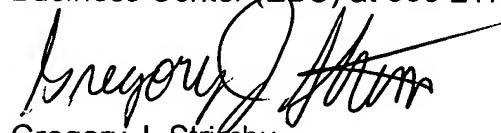
Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. in view of Knapp as applied to claim 12 above. Although Bush et al. fails to disclose the method steps set forth in claim 30, the use of the apparatus disclosed by Bush et al. in view of Knapp would inherently lead to the method steps set forth in claim 30.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sather, Riegelman, Robinson, Gray, Hintz, Emerick and Vollmar are cited for disclosing a removable handle mechanism.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
June 9, 2005